

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THAI-LAO LIGNITE (THAILAND) CO., LTD.
and
HONGSA LIGNITE (LAO PDR) CO., LTD

Petitioners,

v.

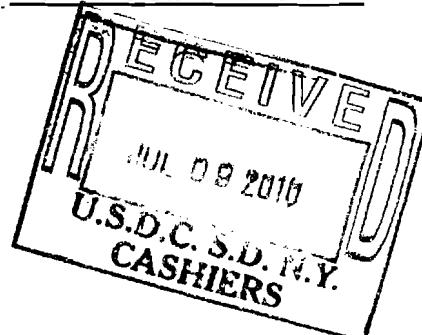
Respondent.

JUDGE WOOD
Removed From:
Supreme Court of the State of New
York, County of New York
Index No. 650541-2010

10 Case No.
Hon. CIV 5256 KW ECF CASE

GOVERNMENT OF THE LAO PEOPLE'S
DEMOCRATIC REPUBLIC

NOTICE OF REMOVAL



TO THE HONORABLE JUDGE OF THIS COURT:

The undersigned Respondent, by its attorneys and pursuant to 28 U.S.C. §1441 *et seq.*, and 9 U.S.C. §205, *et seq.*, files its Notice of Removal of the action captioned as *Thai-Lao Lignite (Thailand) Co., Ltd, and Hongs Lignite (Lao PDR) Co., Ltd, v. Government of the Lao People's Democratic Republic*, Index No. 650541-2010, from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. The basis for removal is as follows:

1. Petitioners initiated this action on June 8, 2010, in the Supreme Court of the State of New York, County of New York, by filing a "Notice of Petition To Confirm Arbitral Award." The arbitral award Petitioners seek to enforce is a "foreign" arbitral award, made in Kuala Lumpur, Malaysia. The Respondent is a sovereign state. (SEE EX. A)

2. Petitioners averred that service of process was not necessary or alternatively that service of process was proper under 28 U.S.C. §1608(a)(1), by sending a copy of the filing to “Committee for Planning and Cooperation of the Lao People’s Democratic Republic, (the “Committee”) Laungpraband Road, Vientiane, Lao People’s Democratic Republic”, by UPS courier service and registered mail. Purported service was also made to various other addresses associated with the sovereign state, but no method was in accordance with 28 U.S.C. §1608 (a) (3) and (4). Actual UPS delivery was received by the Committee in Laos on June 15, 2010. Therefore, the Respondent was not served more than 30 days prior to the filing of this Notice of Removal.

3. This action is one over which this Court has original jurisdiction pursuant to the Federal Arbitration Act, 9 U.S.C. §207, *et seq.* and 28 U.S.C. §1603, 1605(a)(6), *et seq.*

4. This Notice of Removal is filed in the District Court of the United States for the District in which the action to confirm the foreign arbitral award was filed.

5. Pursuant to the requirements of 28 U.S.C. §1446(d), Respondent will promptly file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, where the action was originally filed. Respondent has also served Petitioners with this Notice by mailing a copy to Petitioners’ counsel in New York.

WHEREFORE, Respondent hereby removes to this Court the action captioned *Thai-Lao Lignite (Thailand) Co., Ltd. And Hongsaa Lignite (Lao PDR) Co., Ltd. v. Government of the Lao People’s Democratic Republic*, Index No. 650541-2010, from the Supreme Court of the State of New York, County of New York.

Dated: July 9, 2010

Respectfully submitted,

By: 

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Government of the Lao People's
Democratic Republic

EXHIBIT A

FILED: NEW YORK COUNTY CLERK 06/08/2010

NYSCEF DOC. NO. 1

INDEX NO. 650541/2010

RECEIVED NYSCEF: 06/08/2010

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION

In the Matter of the Arbitration of Certain
Controversies Between

Thai-Lao Lignite (Thailand) Co., Ltd. and Hongsa
Lignite (Lao PDR) Co., Ltd.,

Petitioners,

- and -

Government of the Lao People's Democratic
Republic,

Respondent.

**NOTICE OF PETITION
TO CONFIRM ARBITRAL AWARD**

INDEX NO. 650541-2010

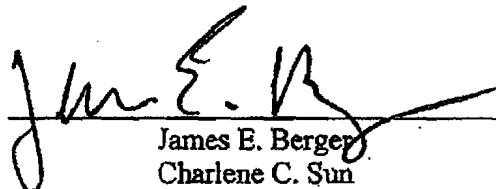
PLEASE TAKE NOTICE that upon the Petition to Confirm Arbitral Award ("Petition") herein, the Affidavit of Wirach Nimmanwathana and the exhibits thereto (including, *inter alia*, (A) the Final Award of the arbitral tribunal in the arbitration proceedings between Petitioners and Respondent, signed and acknowledged on November 4, 2009, and (B) the Project Development Agreement dated July 22, 1994), an application will be made to the Submissions Part (Room 130) of this Court, to be held at the courthouse thereof, located at 60 Centre Street, New York County, State of New York, on the 16th day of August 2010, at 9:30am of that day, or as soon thereafter as counsel can be heard, for a judgment pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 21 U.S.T. 2517, 330 U.N.T.S. 38 (Jun. 5, 1958) and Chapter 2 of the Federal Arbitration Act (9 U.S.C. § 201, *et seq.*), confirming the Final Award of the arbitral tribunal and directing that judgment be entered thereon, and for such other and further relief as may be just, proper, and equitable, together with the costs and disbursements of this proceeding.

PLEASE TAKE FURTHER NOTICE that an answer and supporting affidavits, if

any, shall be served at least seven days before the aforesaid date of hearing.

Dated: June 8, 2010

By:



James E. Berger
Charlene C. Sun

Paul, Hastings, Janofsky & Walker LLP
75 East 55th Street
New York, NY 10022-3205
(212) 318-6000

Counsel for Petitioners
Thai-Lao Lignite Co., Ltd., Hongsa Lignite (Lao
PDR) Co., Ltd.